

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

James W. Wentworth and)
Rosalie A. Wentworth,)
Plaintiffs,) Civil Action No. 8:04-1750-HFF-BHH
vs.)
National City Mortgage Co.,)
Defendant.)

)

O R D E R

This matter is before the court on the plaintiffs' motion to compel the defendant to answer certain discovery requests. The motion was referred to this court for disposition pursuant to Title 28, United States Code, Section 636, by order of the Honorable Henry F. Floyd, United States District Judge.

The defendant served its responses to the discovery requests on the plaintiff on April 22, 2005, and the motion to compel was filed on May 27, 2005. Accordingly, the motion is untimely under Local Rule 37.01, which provides that a motion to compel discovery must be filed within 20 days after receipt of the discovery response. Local Civil Rule 37.01 DSC. Further, the plaintiffs did not set forth the grounds for its motion as required by Local Rule 7.04. Local Civil Rule 7.04 DSC. The plaintiffs have given the court no reasons as to why the discovery should be compelled. Lastly, the defendant maintains that the plaintiffs' counsel did not fulfill the requirement of conferring with opposing counsel and attempting in good faith to resolve the dispute as required by Local Rule 7.02 (def. resp. m. to compel 4). See Local Civil Rule 7.02 DSC. For all of the foregoing reasons, the plaintiffs' motion to compel is denied.

IT IS SO ORDERED.

s/Bruce H. Hendricks
United States Magistrate Judge

June 15, 2005

Greenville, South Carolina